

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

STEPHEN L. BANE,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No.: 3:07-CV-458
	)	(VARLAN/SHIRLEY)
MICHAEL J. ASTRUE,	)	
Commissioner of Social Security,	)	
	)	
Defendant.	)	

**ORDER**

This Social Security appeal is before the Court on the Report and Recommendation filed by United States Magistrate Judge C. Clifford Shirley on January 7, 2009 [Doc. 19]. There have been no timely objections to the Report and Recommendation, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Magistrate Judge Shirley found, *inter alia*, that the Administrative Law Judge (“ALJ”) properly reviewed and weighed all of the medical source opinions to determine Plaintiff is capable of performing light work and that substantial evidence supports the ALJ’s findings and conclusions. Accordingly, Magistrate Judge Shirley recommended that plaintiff’s motion for summary judgment [Doc. 13] be denied and that defendant Commissioner’s motion for summary judgment [Doc. 17] be granted.

The Court has carefully reviewed this matter, including the underlying pleadings [Docs. 13, 14, 17, 18]. The Court is in agreement with Magistrate Judge Shirley’s

recommendation, which the Court adopts and incorporates into its ruling. Plaintiff's motion for summary judgment [Doc. 13] is **DENIED** and defendant's motion for summary judgment [Doc. 17] is **GRANTED**. The Court **ACCEPTS IN WHOLE** the Report and Recommendation [Doc. 19]; defendant Commissioner's decision in this case denying plaintiff's application for supplemental security income payments is **AFFIRMED**; and this case is **DISMISSED**.

IT IS SO ORDERED.

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE